

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES MCDONALD,

Plaintiff,

v.

ONEWEST BANK, FSB, *et al.*,

Defendants.

No. C10-1952RSL

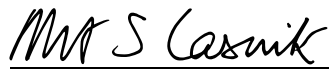
ORDER DENYING ONEWEST'S  
MOTION FOR WITNESS TO APPEAR  
BY VIDEOCONFERENCE OR  
TELEPHONE

This matter comes before the Court on defendant OneWest Bank, FSB's "Motion for Witness to Appear by Videoconference or Telephone." Dkt. # 269. Christopher Corcoran is an employee of Deutsche Bank National Trust Company, the company that purportedly had actual physical possession of plaintiff's original promissory note during most of the time period at issue in this case. At the evidentiary hearing held on January 31, 2013, Mr. Corcoran was the only person capable of testifying regarding critical facts regarding the location of the note. If, as it currently appears, Mr. Corcoran's testimony will be necessary to identify (a) the contents of the file when it was received by Deutsche Bank and (b) the documents that were sent in response to OneWest's request for the note in October 2010, his testimony is critical to determining whether defendants currently have possession of the original note and will be permitted to proceed with a nonjudicial foreclosure under the Deed of Trust Act.

ORDER DENYING ONEWEST'S MOTION FOR  
WITNESS TO APPEAR BY VIDEOCONFERENCE  
OR TELEPHONE

1 That Mr. Corcoran is in California and that defendants intend to ask him only a  
2 few questions do not overcome the jury's interest in seeing the witness live. The jury will need  
3 to judge the foundation for Mr. Corcoran's testimony regarding the contents of the Deutsche  
4 Bank's files and his credibility. That evaluation is best done in the give and take of the  
5 courtroom rather than in the stilted environment of telecommunications.

6 Dated this 23rd day of August, 2013.

7   
8

9 Robert S. Lasnik  
10 United States District Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25